SERVED: May 18, 2001

NTSB Order No. EA-4894

UNITED STATES OF AMERICA NATIONAL TRANSPORTATION SAFETY BOARD WASHINGTON, D.C.

Issued under delegated authority (49 C.F.R. 800.24) on the 18th day of May, 2001

)

JANE F. GARVEY, Administrator, Federal Aviation Administration,

Complainant,

Docket SE-16097

v.

JOHN ROGER SHEPHERD,

Respondent.

Respondence.

ORDER DISMISSING APPEAL

The Administrator has moved to dismiss the notice of appeal in this proceeding because it was not, as required by Section 821.47 of the Board's Rules of Practice (49 CFR Part 821), filed by the respondent within 10 days after the law judge served a written order affirming the Administrator's motion for summary

§ 821.47 Notice of Appeal.

A party may appeal from a law judge's order or from the initial decision by filing with the Board and serving upon the other parties (pursuant to § 821.8) a notice of appeal within 10 days after an oral initial decision or an order has been served.

¹Section 821.47 provides as follows:

judgment on March 5, $2001.^2$ We will grant the motion, to which respondent submitted no answer. 3

Without good cause to excuse a failure to file a notice of appeal on time, a party's appeal will be dismissed. <u>See</u> Administrator v. Hooper, 6 NTSB 559 (1988).

ACCORDINGLY, IT IS ORDERED THAT:

- 1. The Administrator's motion to dismiss is granted; and
- 2. The respondent's appeal is dismissed.

Ronald S. Battocchi General Counsel

²In her August 18, 2000 order of revocation and suspension, the Administrator alleged that respondent had violated sections 61.15(f) and 67.403(b) of the Federal Aviation Regulations, 14 CFR Parts 61 and 67, and ordered that his Second Class Medical Certificate and any other medical certificate issued to him be revoked and that his Private Pilot Certificate (No. 480746570) and any other certificates issued to him be suspended for 120 days.

³Respondent's notice of appeal, due on March 15, 2001, was dated and postmarked March 20.